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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Ashkenazi et al. Docket No.: 39780-2730P1C7
Serial No.: 09/993,583 Group Art Unit: 1646
Filing Date: November 14, 2001 Examiner: Murphy, Joseph
For: PRO943 POLYPEPTIDES
Express Mail Label No.: EL 993 688 893 US
Mailing Date: August 4, 2004

See Purpose
onlyAMENDMENT AND RESPONSE TO OFFICE ACTION

MS: AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Office Action mailed on April 6, 2004 in connection with the above-identified patent application, please enter the following amendments, and consider the following arguments. This response is timely filed with a Petition for extension of time for one month with necessary fees. Attached herewith is an Information Disclosure Statement with appropriate fees. and articles by (i) Orntoft *et al.*, (ii) Hyman *et al.*, (iii) Pollack *et al.*, and (iv) Hanna and Mornin, a Declaration by Paul Polakis, Ph.D. and a Declaration by Avi Ashkenazi, Ph.D.

Amendments to the Specification begin on page 2 of this paper.

Amendments to the Claims are reflected in the listing of claims that begins on page 4 of this paper.

Remarks/Arguments begin on page 8 of this paper.

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highly skilled artisan as of the date the invention was made. Based on the detailed description of the cloning and expression of variants of PRO943 in the specification, the description of the gene amplification assay and description of testing the ability of test variant polypeptides in the assay, the actual reduction to practice of sequence SEQ ID NO: 119 and the functional recitation in the instant claims, Applicants submit that one of skilled in the art would know that Applicants possessed the invention as claimed in the instant claims.

Hence, Applicants submit that this rejection should be withdrawn.

Claim Rejections – 35 U.S.C. §102

1. Claims 119-120 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S.P.N. 6,242,419, Strachan *et al.* (dated 2001; priority date 25 Mar 1999). Applicants respectfully traverse this rejection.

2. Claims 119-123 are rejected under 35 U.S.C. §102(b) as being anticipated by Wiedemann (2000). Applicants respectfully traverse this rejection.

Applicants have canceled claims 119-120 and hence these rejections are moot with respect to these claims. As to the remaining claims, they are entitled to at least a priority date of Application 60/141,037, filed June 23, 1999, therefore Wiedemann is not prior art and hence, this rejection should be withdrawn.

The present application is believed to be in *prima facie* condition for allowance, and an early action to that effect is respectfully solicited.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 08-1641 (Attorney Docket No.: 39780-2730P1C7).

Please direct any calls in connection with this application to the undersigned at the number provided below.

Respectfully submitted,

Date: August 4, 2004

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